

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

vs.

ROBERT WAYNE LOCKHART

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§
§
§

CRIMINAL NO.

H-07-51

INDICTMENT

UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
FILED

FEB 21 2007

THE GRAND JURY CHARGES THAT:

MICHAEL H. KELBY, CLERK OF COURT

INTRODUCTION

At all times material to this Indictment:

1. The term "minor" is defined, pursuant to Title 18, United States Code, Section 2256(1), as "any person under the age of eighteen years."

2. The term "sexually explicit conduct" is defined, pursuant to Title 18, United States Code, Section 2256(2), as any:

"actual or simulated -

- (i) sexual intercourse, including genital [to] genital, oral [to] genital, anal [to] genital, or oral [to] anal, whether between persons of the same or opposite sex; [or]
- (ii) bestiality; [or]
- (iii) masturbation; [or]
- (iv) sadistic or masochistic abuse; or
- (v) [the] lascivious exhibition of the genitals or pubic area of any person."

3. The term "computer" is defined, pursuant to Title 18, United States Code, Sections 2256(6) and 1030(e)(1), as any:

"electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or

communications facility directly related to or operating in conjunction with such device, but such term does not include an automated typewriter or typesetter, a portable hand held calculator or other similar device."

4. The term "child pornography", for purposes of this Indictment, is defined, pursuant to Title 18, United States Code, Section 2256(8)(A-C), and is limited to:

"any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where -

- (A) the production of such visual depiction involves the use of a minor engaged in sexually explicit conduct;
- (B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or
- (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct."

5. The term "visual depiction" is defined, pursuant to Title 18, United States Code, Section 2256(5), as including, but is not limited to, any:

"undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image."

COUNT ONE
(Distribution Of Child Pornography)

On or about July 13, 2005, within the Houston Division of the Southern District of Texas and elsewhere,

ROBERT WAYNE LOCKHART,

defendant herein, did knowingly distribute and cause to be distributed in interstate and foreign commerce, child pornography, by computer.

In violation of Title 18, United States Code, Section 2252A(a)(2)(B) and Section 2252A(b)(1).

COUNT TWO
(Possession Of Child Pornography Involving The Sexual Exploitation of Minors)

On or about January 30, 2006, within the Houston Division of the Southern District of Texas,

ROBERT WAYNE LOCKHART,

defendant herein, did knowingly possess computers and a digital video disc, which contained multiple photographic images of child pornography, which had been mailed, shipped, and transported in interstate and foreign commerce by any means, including by computer, or which were produced using materials which have been mailed, shipped, and transported in interstate and foreign commerce, by any means, including by computer; being more specifically that defendant possessed a Compaq and Dell desktop computer and digital video disc which contained over 600 still images of child pornography, which

images included, but were not limited to, prepubescent minors under the approximate age of 12 years, engaged in sexually explicit conduct with adults, which included sadistic and masochistic conduct and other acts of violence.

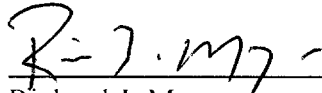
All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B), 2252A(b)(2) and 2256(8)(A-C).

A True Bill:

original signature on file

DONALD J. DeGABRIELLE, JR.
United States Attorney,

By:



Richard J. Magness
Assistant United States Attorney
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